

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
 v.) CR. NO. 2:06cr285-WKW
)
 DARRYL ANDRE KENNEDY)

**RESPONSE TO MOTION TO DISCOVER
CRIMINAL RECORDS OF WITNESSES**

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and in response to the Court's Order of February 20, 2007, the following is submitted:

1. All documentary discovery was furnished in compliance with the standing order on January 12, 2007.
2. In addition, a FedEx box of tapes was delivered to the office of the defendant's attorney on January 19, 2007. The reason the tapes were not timely furnished was that extra time was necessary to duplicate the approximate 33 tapes that were prepared for each of the three defendants in this investigation.
3. The United States received no communication from Mr. Kennedy's attorney that the discovery was not in compliance with the standing order or failed to satisfy statutory compliance for discovery.
4. The additional discovery motion filed by the defendant, Motion to Discover Criminal Records of Witnesses, had previously been addressed in direct communication with Mr. Kennedy's counsel by stating there was no witness in this case who had a criminal record.

Respectfully submitted this the 26th day of February, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on February 26, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Deborah M. Nickson, Esq.

Respectfully submitted,

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